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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,500	12/17/2001	Michael R. Nowak	P/73-7	4401

7590

07/02/2003

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/023,500

Applicant(s)

NOWAK ET AL.

Examiner

D. S. Nakarani

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 3-9, 12, 13, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 10, 11, 14, 15, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicants are requested to note that the office letter mailed May 16, 2003 (Paper No. 7) is relate to remailed the Office letter (Restriction) mailed March 5, 2003 (Paper No. 4). Since applicants have responded to the Office letter (mailed March 5, 2003) on March 31, 2003, there is no need to reply to the Office letter remailed on May 16, 2003. Applicants are requested to note that the substitute specification filed April 25, 2003 has not been entered.

2. Applicant's election of Group I; claims 1, 2, 10, 11, 14, 15, 18 and 19; in Paper No. 4.5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

3. Claims 3-9, 12, 13, 16 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 2.

4. The amendment filed May 14, 2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The inserted phrase "or propylene" after the word "ethylene" on page 4, lines 9 and 18 and on page 8, line 8.

Applicant is required to cancel the new matter in the reply to this Office Action.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed fail to provide support for copolymer and/or terpolymer resins comprising butene, hexene, and/or octene with propylene in feedstocks.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1, 2, 10, 11, 14, 15, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "high strength poly one-side ream wrapper" where ever occurs renders claims indefinite. Which strength of poly one-side ream wrapper is considered as "high strength poly one-side ream wrapper"? Clarification and/or correction requested.

Claims 2, 10, 11, 14, 15, 18 and 19, the phrase "polyethylene monomer" renders claims indefinite because it is not clear whether applicants are trying to claim a layer of polyethylene or a layer of ethylene monomer. The polyethylene is not a monomer. The rejection may overcome by deleting term "monomer" from the said phrase.

9. The disclosure is objected to because of the following informalities: Page 3, line 14, the term "monomer" should be deleted since polyethylene is not a monomer. Page 3 lines 15-16, the phrase "a monomer resin" should be deleted. Applicants are requested to review entire application for additional errors.

Appropriate correction is required.

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

11. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1, 2, 10, 11, 14, 15, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kittrell et al (U. S. Patent 5,196,269) with an evidence Eichbauer (U. S. Patent 5,922,441).

Kittrell et al disclose a paper substrate (14) coated with a layer (12) of low density polyethylene, linear low density polyethylene, medium density polyethylene, high density polyethylene, polypropylene or blend thereof and skin layer (10) of a blend of non-polar olefin polymer and a polar copolymer resins such as ethylene-acrylic acid copolymer or ethylene methacrylic acid copolymer. The non-polar olefin polymer is same as recited for the layer (12) (Fig. 1, col. 3, line 59 to col. 4, line 10 and claims). The linear low density polyethylene is a copolymer of ethylene and alpha olefin. The alpha olefin includes butene, hexene and octene etc as evidenced by Eichbauer at col. 5 line 62 to col. 6 line 11. Thus Kittrell et al's reference meets claimed limitations. The invention as claimed is an open language and inclusive of other components not specified in claims.

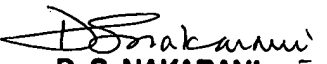
13. Receipt of Information Disclosure Statement filed July 23, 2002 is acknowledged and has been made of record.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is 703-308-2413. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

D. S. Nakarani/mn  
July 2, 2003

  
**D. S. NAKARANI**  
**PRIMARY EXAMINER**